

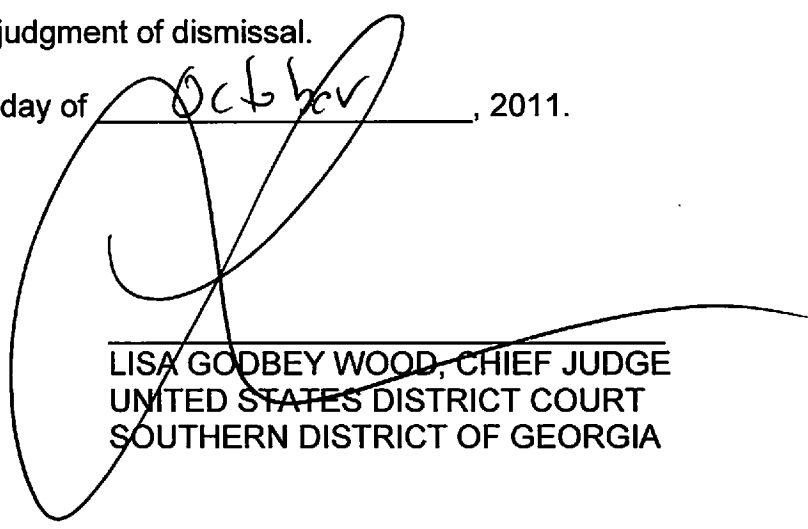


circuit law squarely foreclosed such a claim at the time it otherwise should have been raised in the petitioner's trial, appeal, or first § 2255 motion[.]" then the prisoner may pursue relief under § 2241. Wofford, 177 F.3d at 1244. Coley fails to identify a new, retroactively applicable Supreme Court decision that establishes that he was convicted for a nonexistent offense or that he was foreclosed from raising these claims in his previously-filed motions.

Coley emphasizes that the § 2255 motion which he previously filed was improperly determined to be time-barred. The expiration of the § 2255 statute of limitations does not render § 2255's remedy inadequate or ineffective as to a petitioner's claims. See Wofford, 177 F.3d at 1244. Additionally, the validity of the decision regarding the timing of Coley's § 2255 motion is not before this Court.

Coley's Objections to the Magistrate Judge's Report and Recommendation are without merit and are **overruled**. The Report and Recommendation of the Magistrate Judge is adopted as the Opinion of the Court. Respondent's Motion to Dismiss is **GRANTED**. Coley's 28 U.S.C. § 2241 petition is **DISMISSED**. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 21 day of October, 2011.



LISA GODBEY WOOD, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA